

REMARKS

Claims 1-25 are pending. Applicants elect with traverse Group II (claims 10-20), the nucleotide sequence of SEQ ID NO: 2 (*hdfA*), and the amino acid sequence of SEQ ID NO: 3 (the encoded polypeptide) for examination on the merits. Applicants reserve the right to prosecute nonelected subject matter in a further patent application.

The amendments are fully supported by the original disclosure and, thus, no new matter is added by their entry. The breadth of the claims is not changed because the amendment of claims 1 and 10 defines abbreviations used to describe the invention, which clarifies and does not limit the original scope of those claims.

Notwithstanding the above election, reconsideration of the restriction requirement is requested because examination of all pending claims would not constitute a serious burden. Although the inventions identified by the Examiner are separately patentable, both the need for compact prosecution and the public interest would be served by examination of all claims in a single application. Thus, claims 1-9 and 21-25 should not be withdrawn from consideration.

More specifically, the claims of both Groups II and III should be examined in the same application. In contrast to allegations made on page 3 of the Office Action, as required by PCT Rule 13.1, the single general inventive concept of the invention is increasing the efficiency of targeted integration of a polynucleotide in a filamentous fungal cell by steering an integration pathway towards homologous recombination (HR). Since this general inventive concept is new, modulating the expression of HR and/or NHR components (such as *hdfA* or *hdfB*) are special technical features linked by the single general inventive concept. Consequently, by the special technical features being linked by the single general inventive concept, there is unity of invention.

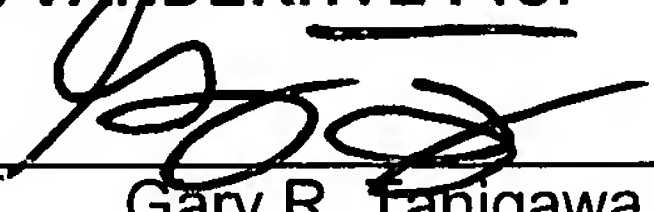
Further, in accordance with the Commissioner's Notice of March 26, 1996 (1184 OG 86) implementing the Federal Circuit's decisions of *In re Ochiai*, 37 USPQ2d 1127 (1995) and *In re Brouwer*, 37 USPQ2d 1663 (1996), it is urged that nonelected method claims 1-9 and 21-23 (i.e., the claims of Groups I and III-IV) should be rejoined upon an indication that an elected product claim of Group II is allowable.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

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